

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 11-cr-006-01-JL

Brian Mahoney

ORDER FOR DETERMINATION OF MENTAL COMPETENCY
OF DEFENDANT

For the reasons stated on the record of the October 6, 2011 hearing on Motion for Hearing re: Status of Counsel, document #[46] and the Motion for Recusal, document #[47], including the two documents presented to the Court during the hearing, documents #[48] and #[49], as well as defense counsel's representations as to defendant's interactions with him, the observations and concerns of defense counsel and the prosecutor, and the prosecutor's request for an additional competency evaluation, I find reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect that could affect his competency to stand trial. See 18 U.S.C. § 4241.

Dr. Eric Mart, already appointed by the Court at the

defendant's request shall, within 30 days from this order, conduct such a competency evaluation. He shall prepare a report of his findings pursuant to 18 U.S.C. § 4247(b), which shall be filed with this court. The U.S. Attorney shall obtain all materials in the possession of the Attorney General generated during or pertaining to competency evaluation previously conducted in this case and provide them to Dr. Mart as soon as possible.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", is written over a horizontal line.

Joseph N. Laplante

United States District Judge

Date: October 11, 2011

cc: Arnie Huftalen, AUSA

Paul Garrity, Esq.

U.S. Marshal

U.S. Probation